

CLOSED,RULE5

U.S. District Court
U.S. District of Minnesota (DMN)
CRIMINAL DOCKET FOR CASE #: 0:22-mj-01028-DTS-1
Internal Use Only

Case title: USA v. Kemp

Date Filed: 12/13/2022

Date Terminated: 12/16/2022

Assigned to: Magistrate Judge
David T. Schultz

Defendant (1)

Rembrandt Carlos Kemp
TERMINATED: 12/16/2022

represented by **James S Becker**
Office of the Federal Defender
300 South Fourth Street
Suite 107 US Courthouse
Minneapolis, MN 55415
612-664-5858
Fax: 612-664-5850
Email: james_becker@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or Community
Defender Appointment*

Katherian D Roe
Office of the Federal Defender
300 S 4th St Ste 107
Mpls, MN 55415
612-664-5858
Fax: 612-664-5850
Email: katherian_roe@fd.org
TERMINATED: 12/13/2022
*Designation: Public Defender or Community
Defender Appointment*

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level
(Terminated)

None

Complaints

Disposition

21:846; 21:841(a)(1)

Plaintiff

USA

represented by **Ruth Shnider**
DOJ–USAO
300 South Fourth Street
Suite 600
Minneapolis, MN 55415
612–664–5583
Email: Ruth.Shnider@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Email All Attorneys

Email All Attorneys and Additional Recipients

Date Filed	#	Page	Docket Text
12/13/2022			Arrest (Rule 5) of Rembrandt Carlos Kemp (NAH) (Entered: 12/13/2022)
12/13/2022	<u>1</u>		Minute Entry for proceedings held before Magistrate Judge David T. Schultz: Initial Appearance in Rule 5(c) (3) Proceedings as to Rembrandt Carlos Kemp held on 12/13/2022. Charges from the District of Montana. Counsel appointed. Deft ordered temporarily detained. Detention Hearing set for 12/15/2022 at 03:00 PM in Courtroom 9E (MPLS) before Magistrate Judge David T. Schultz. Removal Order to be issued. Govt moves to unseal the case – granted. (NAH) (Entered: 12/13/2022)
12/13/2022	<u>2</u>		NOTICE OF ATTORNEY APPEARANCE for Rembrandt Carlos Kemp. (Becker, James) (Entered: 12/13/2022)
12/13/2022	<u>3</u>		ORDER OF PRELIMINARY DETENTION as to Rembrandt Carlos Kemp. Detention Hearing set for 12/15/2022 at 03:00 PM in Courtroom 9E (MPLS) before Magistrate Judge David T. Schultz. Signed by Magistrate Judge David T. Schultz on 12/13/2022. (NAH) (Entered: 12/13/2022)
12/15/2022	<u>4</u>		Minute Entry for proceedings held before Magistrate Judge David T. Schultz: Detention Hearing as to Rembrandt Carlos Kemp held on 12/15/2022. Deft Ordered Detained – Govt to submit proposed order. Commitment to Another District to be Issued. Defendant waived the detention hearing and reserved it for the District of Montana. (JAM) (Entered: 12/15/2022)
12/16/2022	<u>5</u>		ORDER OF DETENTION AND REMOVAL as to Rembrandt Carlos Kemp. Signed by Magistrate Judge David T. Schultz on 12/16/2022. (SAE) (Entered: 12/16/2022)

12/16/2022	<u>6</u>		COMMITMENT TO ANOTHER DISTRICT as to Rembrandt Carlos Kemp. Defendant committed to the District of Montana. Signed by Magistrate Judge David T. Schultz on 12/15/2022. (SAE) (Entered: 12/16/2022)
12/16/2022	<u>7</u>		ORDER OF REMOVAL to the District of Montana as to Rembrandt Carlos Kemp. Signed by Magistrate Judge David T. Schultz on 12/13/2022. (SAE) (Entered: 12/16/2022)

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,)	Case No. 22mj1028 (DTS)
)	
Plaintiff,)	
)	NOTICE OF APPEARANCE
v.)	
)	
REMBRANDT CARLOS KEMP,)	
)	
Defendant.)	

Pursuant to the Court's order appointing counsel, the undersigned attorney hereby notifies the Court and counsel that James S. Becker shall appear as appointed counsel of record for the above named defendant in this case.

Dated: December 13, 2022

s/James S. Becker
JAMES S. BECKER
Attorney ID No. 388222
Attorney for Defendant
Office of the Federal Defender
107 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Case No: 22-mj-1028 DTS

Plaintiff,

v.

ORDER OF PRELIMINARY
DETENTION PENDING HEARING
PURSUANT TO BAIL REFORM ACT

Rembrandt Carlos Kemp,

Defendant,

Upon motion of the United States it is ORDERED that a detention hearing is set for December 15, 2022 at 3:00 p.m. before Magistrate Judge David T. Schultz, 9E, Diana E. Murphy Courthouse, 300 South 4th Street, Minneapolis, Minnesota. Pending this hearing, the Defendant shall be held in custody by the United States Marshal and produced for the hearing.

Dated: December 13, 2022

s/ David T. Schultz
David T. Schultz
U.S. Magistrate Judge

If not held immediately upon defendant's first appearance, the hearing may be continued for up to three days upon motion of the Government, or up to five days upon motion of the defendant.
18 U.S.C. § 3142(f)(2).

A hearing is required whenever the conditions set forth in 18 U.S.C. § 3142 are present. Subsection (1) sets forth the grounds that may be asserted only by the attorney for the Government; subsection (2) states that a hearing is mandated upon the motion of the attorney for the Government or upon the judicial officer's own motion if there is a serious risk that the defendant (a) will flee; or (b) will obstruct or attempt to obstruct justice, to threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate a prospective witness or juror.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v.

Rembrandt Carlos Kemp,

Defendant,

) **COURT MINUTES - CRIMINAL**
)
) BEFORE: David T. Schultz
) U.S. MAGISTRATE JUDGE
)
) Case No: 22-mj-1028 DTS
) Date: December 15, 2022
) Courthouse: Minneapolis
) Courtroom: 9E
) Time Commenced: 2:34 p.m.
) Time Concluded: 2:37 p.m.
) Time in Court: 3 minutes
)
)

X DETENTION HEARING

APPEARANCES:

Plaintiff: Ruth Shnider, Assistant U.S. Attorney

Defendant: James Becker

X FPD

On X Indictment

X **Charges from other District:** District of Montana

X Deft Ordered Detained - Govt to submit proposed order

X Commitment to Another District to be Issued.

Additional Information:

Defendant waived the detention hearing and reserved it for the District of Montana.

s/ jam
Signature of Courtroom Deputy

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 22-mj-1028 (DTS)

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	ORDER FOR DETENTION
)	AND REMOVAL
v.)	
)	
REMBRANDT CARLOS KEMP,)	
)	
Defendant.)	

This matter was before the Court on December 15, 2022 for a detention and removal hearing, following Mr. Kemp's arrest in the District of Minnesota on a warrant and indictment from the District of Montana. Mr. Kemp appeared and was represented by James Becker of the Federal Defender's Office. The United States was represented by Assistant United States Attorney Ruth Shnider.

At his initial appearance, Mr. Kemp waived a hearing on the issue of identity. Accordingly, the Court finds pursuant to [Fed. R. Crim. P. 5\(c\)\(3\)\(D\)](#) that Mr. Kemp is the person named in the indictment and arrest warrant out of the District of Montana.

On the issue of detention, Mr. Kemp waived his right to a detention hearing in Minnesota and reserved the issue of detention to be heard in the charging district.

FINDINGS AND CONCLUSIONS

Mr. Kemp was charged by indictment with conspiracy to distribute both methamphetamine and fentanyl, and with possession with the intent to distribute the same. Under [18 U.S.C. § 3142](#), pretrial detention may be ordered if the Government shows by

clear and convincing evidence that release will result in a danger to the community, or if the Government shows by a preponderance of the evidence that release will result in a serious risk of flight. *United States v. Abad*, 350 F.3d 793, 797 (8th Cir. 2003); *United States v. Sazenski*, 806 F.2d 846, 848 (8th Cir. 1986). The drug charges in this case give rise to a rebuttable presumption of detention under § 3142.

Here, in light of the rebuttable presumption and Mr. Kemp's waiver/reservation, the Court concludes that, for present purposes only, no combination of conditions will adequately assure Mr. Kemp's future appearance or the safety of the community, and the Court will order him detained. Mr. Kemp may have the issue of detention heard further in the District of Montana.

ORDER

For the foregoing reasons, IT IS HEREBY ORDERED that:

1. The motion of the United States for detention without bond of Mr. Kemp is GRANTED;
2. Mr. Kemp is committed to the custody of the United States Marshals for confinement in a correctional facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
3. Mr. Kemp shall be transported to the District of Montana to make his appearance in the charging jurisdiction;

4 Mr. Kemp shall be afforded reasonable opportunity to consult privately with his lawyer; and

5. Upon order of the Court or request by the United States Attorney, the person in charge of the correctional facility in which Mr. Kemp is confined shall deliver him to the United States Marshal for the purpose of appearance in connection with a court proceeding.

Dated: December 16, 2022

s/David T. Schultz

David T. Schultz

United States Magistrate Judge

UNITED STATES DISTRICT COURT

for the
District of Minnesota

United States of America,
Plaintiff,

v.

Rembrandt Carlos Kemp,
Defendant,

)
)
)
)
)
)

Case No. 22-mj-1028 DTS

Charging District's Case No. 22-cr-86

COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the District of Montana.

The defendant: _ will retain an attorney.

☒ is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

IT IS ORDERED: The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Date: December 15, 2022

s/David T. Schultz
Judge's signature

DAVID T. SCHULTZ, United States Magistrate Judge
Printed name and title

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v.

Rembrandt Carlos Kemp,

Defendant.

Criminal No. 22-mj-1028 DTS

ORDER OF REMOVAL

The above captioned case was before the undersigned United States Magistrate Judge on December 13, 2022. Defendant waived the removal hearing.

Based on defendant's waiver, the court finds that the defendant is the same person named in the warrant filed in the District of Montana, and he is ordered removed to that district for further proceedings.

Dated: December 13, 2022

s/ David T. Schultz

David T. Schultz

United States Magistrate Judge